

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**NOTICE OF MOTION AND CHAPTER 13
DEBTOR'S MOTION TO BUY, SELL, OR
ENCUMBER INTEREST IN PROPERTY**

NOTICE

1. YOU ARE NOTIFIED that the motion below was filed by the debtor to *[check all that apply]*:
 - Buy property
 - Sell property
 - Encumber property (including refinance of property and loan modification)
2. If you wish to object to the motion, you must, within ~~21~~ days after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant. 14 days per Doc 45
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1301.5, granting the relief requested in the motion.
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on _____ this document was:
 - a. served under Federal Rule of Bankruptcy Procedures (FRBP) 7004, on the debtor, chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact *[enter name and contact information of debtor's attorney, or, if no debtor's attorney, debtor]*:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

MOTION

Information About the Property

[Movant must complete this entire section]

1. **Description of the Property** *[for example, real property address; car model, year, and VIN; or manufacturer and serial number]:*

Is the property the debtor's primary residence? Yes No

Additional property description attached? Yes No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** *[for property debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase]:*

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached? Yes No

Relief Requested

[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]

3. **Motion to Approve Purchase of Property.** Debtor hereby moves for the authority to purchase the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of seller:

Relationship of seller to debtor:

Purchase price: \$

Anticipated closing date:

Other relevant terms of purchase:

Source of funds for purchase:

4. **Motion to Approve Sale of Property.** Debtor hereby moves for the authority to sell the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of buyer:

Relationship of buyer to debtor:

Sale price: \$

Anticipated closing date:

Other relevant terms of sale:

Anticipated net proceeds:

Disposition of anticipated net proceeds (other than payment of liens and encumbrances described in paragraph 2 of this motion):

5. **Motion to Approve Encumbrance of Property** (including refinance of property and loan modification). Debtor hereby moves for the authority to encumber the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information—

Encumbrance type: New Loan Refinance Loan Modification

Name of lender:

Relationship of lender to debtor:

Principal amount of loan: \$

Interest rate:

Loan term/maturity date:

Payment amount and terms [*for example, monthly, interest only with balloon or fully amortizing, payable only after prior debt*]:

Closing costs:

Lien position [*senior lien, second position lien, etc.*]:

Amount of cash debtor will receive from refinance: \$0 \$

Use of any cash debtor receives:

If this is a refinance or loan modification, explain how the new terms compare with the prior terms:

Points and Authorities

[Movant must complete this entire section]

6. **Basis for Relief.** Debtor asserts that the court should grant the relief requested because:

7. **Chapter 13 Trustee Position on this Motion.** Debtor or debtor's counsel has conferred with the chapter 13 trustee, and the trustee:

Consents to this motion

Opposes this motion

Takes no position on this motion

Other:

8. **Plan**

- a. Does the chapter 13 plan contemplate the relief requested herein? Yes No

- b. Effect on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan. Debtor anticipates an increased or a reduced housing expense of \$_____ compared to the amount listed in the most recently filed Schedule J. Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

9. Exhibits

In support of this motion, debtor hereby attaches the following exhibits [*for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement*]:

None

Exhibits:

Exhibit Number [for example, Exhibit B]	Exhibit Description [for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]

10. Declarations

In support of this motion, debtor hereby attaches the following declarations:

None

Declarant names:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

EXHIBIT A

American Land Title Association

ALTA Settlement Statement - Seller
Adopted 05-01-2015

File No./Escrow No.: 579512AM
Officer/Escrow Officer: Melissa Cook

AmeriTitle, LLC
300 Klamath Ave.
Klamath Falls, OR 97601
(541)883-3401

Property Address: 4436 AUSTIN ST
KLAMATH FALLS, OR 97603 (KLAMATH)
(3909-010CD-07000)

Buyer: ERIK SLIKKER
710 Wocus St.
Klamath Falls, OR 97601

Seller: JERRY ROSE

MALINDA ROSE
802 Riverside Dr.
Klamath Falls, OR 97601

Settlement Date: 3/16/2023

Disbursement Date:

Description	Seller		
	P.O.C.	Debit	Credit
Deposits, Credits, Debits			
Sale Price of Property			\$232,000.00
Seller credit to buyer's closing costs		\$6,960.00	
Prorations			
County Taxes 3/16/2023 to 7/1/2023			\$354.38
SSSD Assessments 3/16/2023 to 7/1/2023			\$130.14
KID Assessments 3/16/2023 to 1/1/2024 @ \$85.75/Year			\$68.37
Payoffs			
ESTIMATED Payoff of First Mortgage Loan to Rushmore Loan Management Services		\$93,863.82	
Payoff of Second Mortgage Loan to Oregon Housing & Community Services		\$2,787.98	
Principal: \$2,787.98			
Balance of assessment to South Suburban Sanitary District		\$118.98	
ESTIMATED Judgment payoff to		\$6,500.00	
Principal: \$4,248.22			
Interest, 6/19/2019 to 3/31/2023 @\$1.0475/day: \$1,446.60			
Commissions			
Real Estate Commission to Coldwell Banker Holman Premier Realty		\$6,960.00	
Real Estate Commission to Bold Realty		\$6,960.00	
Title Charges			
Title - Owner's Title Insurance to AmeriTitle, LLC		\$780.00	
Title - Settlement or Closing Fee to AmeriTitle, LLC		\$450.00	
Title - Local Government Lien Search - Seller Debit to AmeriTitle, LLC		\$40.00	
Title - Courier/Delivery/Postage Fee to AmeriTitle, LLC		\$25.00	
Title - Release/Tracking Fee - Seller to AmeriTitle, LLC		\$380.00	
Additional Settlement Charges			

Reimbursement for Paint to Sherry E. McManus	\$3,500.00		\$3,500.00	
Engineer Foundation Cert - ESTIMATED to	\$650.00		\$650.00	
ESTIMATED est & Dry Rot Inspection to	\$175.00		\$175.00	
		P.O.C.	Debit	Credit
Subtotals		\$0.00	\$130,150.78	\$232,552.89
Due To Seller			\$102,402.11	
Totals		\$0.00	\$232,552.89	\$232,552.89

Please note, our wire instructions will not change. If you should get emails requesting a change to the wire instructions, please contact me immediately at (541)883-3401. We bring this to your attention because, unfortunately, real estate transactions are a target for wire fraud.

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize AmeriTitle, LLC to cause the funds to be disbursed in accordance with this statement.

SELLER(S)

JERRY ROSE

MALINDA ROSE

SETTLEMENT COORDINATOR

Melissa Cook

Label Matrix for local noticing
0979-6
Case 19-62378-tmr13
District of Oregon
Eugene
Thu Feb 23 13:39:23 PST 2023

CREDITS INCORPORATED
PO BOX 127
HERMISTON, OR 97838-0127

Chrysler Capital.
c/o Sergio Marchionne, CEO
1000 Chrysler Drive
Auburn Hills, MI 48326-2766

Credit One Bank.
c/o Robert Dejong CEO
6801 S Cimarron Rd
Las Vegas, NV 89113-2273

Klamath County Fire District #1
POB 1930
Klamath Falls, OR 97601-0226

My Hearing Center
2578 Daggett Ave
Klamath Falls, OR 97601-1127

Oregon Affordable Housing Assistance
c/o Diana Koppes, RA
725 Summer St. NE, Suite B
Salem, OR 97301-1266

Santander Consumer USA Inc
an Illinois corporation d/b/a
Chrysler Capital
1601 Elm St Ste 800
Dallas TX 75201-7260

U.S. Bank National Association
Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619-5004

Verizon
by American InfoSource as agent
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901

405 E 8th Ave #2600
Eugene, OR 97401-2725

Charter Communications - Spectrum
400 Atlantic Street
10th Floor
Stamford, CT 06901-3512

Comprehensive Pain Solution
6915 SW Macadam Ave #102
Portland, OR 97219-2364

IRS
Centralized Insolvency Oper.
PO Box 7346
Philadelphia, PA 19101-7346

Klamath Orthopedic Clinic
2200 Bryan Williams Dr
Klamath Falls, OR 97601-1121

ODR
Attn: Bankruptcy Unit
955 Center St NE
Salem, OR 97301-2555

Pacific Crest Federal Credit Union
c/o Melody Aguiar, VP of Operations
2972 Washburn Way
Klamath Falls, OR 97603-4522

Sky Lakes Medical Center.
2865 Daggett Ave.
Klamath Falls, OR 97601-1106

US Trustee, Eugene
405 E 8th Ave #1100
Eugene, OR 97401-2728

Wells Fargo Bank, N.A.
Wells Fargo Card Services
PO Box 10438, MAC F8235-02F
Des Moines, IA 50306-0438

Aaron's Inc.
c/o John W. Robinson, CEO
400 Galleria Pkwy SE
Suite 300
Atlanta, GA 30339-3182

Cheryl Slover
7008 Airway Dr
Klamath Falls, OR 97603-9463

Credit Bureau of Klamath County.
c/o Angela M. Trainor, Auth. Rep.
839 Main Street
Klamath Falls, OR 97601-6011

Karen A Moore, Attorney
PO Box 5107
Klamath Falls, OR 97601-0138

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

ODR Bkcy
955 Center St NE
Salem OR 97301-2555

Rogue Credit Union
PO Box 4550
Medford, OR 97501-0275

South Suburban Sanitary District
c/o Robon Evans, Manager
2201 Laverne Ave
Klamath Falls, OR 97603-4570

Valley Garage Door
230 East Main St
Klamath Falls, OR 97601-3232

Wells Fargo Bank, N.A.
c/o Tim Sloan, CEO
420 Montgomery Street
San Francisco, CA 94163-0001

Wells Fargo Home Mortgage, Inc.
c/o Wells Fargo Bank, NA
c/o Tim Sloan, CEO
420 Montgomery St
San Francisco, CA 94104-1298

Wells Fargo USA Holdings, Inc.
c/o Wells Fargo Bank, N.A., as Servicer
Default Document Processing
1000 Blue Gentian Road, MAC#N9286-0
Eagan MN 55121-1663

Jerry Lynn Rose
4436 Austin Street
Klamath Falls, OR 97603-7856

Malinda Lee Rose
802 Riverside Dr
Klamath Falls, OR 97601-4260